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No. 920

IN THE

Supreme Court of the United States

CITY CENTER MOTEL, INC.

Appellant,

versus

FLORIDA HOTEL AND RESTAURANT COMMISSION,

Appellee

MOTION TO DISMISS OR AFFIRM APPEAL

WELDON G. STARRY
406 Midyette-Moor Building
Tallahassee, Florida
Attorney for Appellee

IN THE

Supreme Court of the United States

CITY CENTER MOTEL, INC.,

Appellant,

versus

FLORIDA HOTEL AND RESTAURANT COMMISSION,

Appellee.

MOTION TO DISMISS OR AFFIRM APPEAL

Comes now the Florida Hotel and Restaurant Commission, the Appellee herein, by Weldon G. Starry its attorney, and moves this Court to dismiss with costs the appeal taken herein to this Court by City Center Motel, Inc., upon the following grounds:

1. The decision of the District Court of Appeal, First District, State of Florida, is based on an independent nonfederal question.

2. The decision of the District Court of Appeal, First District, State of Florida, did not draw in question the validity of any state statute on the ground of its being repugnant to the Constitution of the United States.

3. There is no federal question involved.

4. The cause has become moot in that the Appellant fully

complied with the Order of the Florida Hotel and Restaurant Commission on April 18, 1962, and the sign of the Appellant now complies with Section 509.201 (2) (a), Florida Statutes.

5. The question is not substantial and Appellee moves this Court to affirm on the ground that the decision on which the cause depends is so unsubstantial as not to need further argument.

Dated this 25th day of May, A. D., 1962.

WELDON G. STARRY
406 Midyette-Moor Building
Tallahassee, Florida
Attorney for Appellee.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss or Affirm Appeal, pursuant to Rule 33 (1) of the Revised Rules of The Supreme Court of The United States, has been served by mail upon John H. Cotten, of Cotten, Shivers, Gwynn & Daniel, Counsel for Appellant, Post Office Box 12, Tallahassee, Florida, this 25th day of May, A. D., 1962.

WELDON G. STARRY